

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tushar Patel, et al.

Application No.: 10/777,019

Filed: February 11, 2004

Entitled: TISSUE RETRACTOR AND GUIDE
DEVICE

Docket No.: 101896-234 (DEP-5100CIP)

Group Art Unit: 3733

Examiner: David C. Comstock

I hereby certify that this correspondence is being electronically filed via EFS-Web with the United States Patent and Trademark Office on the date shown below.

February 15, 2007

By: Electronic Signature: /Lisa Adams/

Date of Signature and Mail Deposit

Lisa Adams, Reg. No: 44,238

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This communication is in response to the Office Action dated January 19, 2007. The Examiner requires restriction of the above-referenced application to one of the following patentably distinct species:

Species I: Fig. 2

Species II: Fig. 5A

At the outset, Applicants note that Figures 1-4 should be included in Species I and Figures 5A and 5B should be included in Species II.

Applicants elect Species II, Figures 5A and 5B. Claims 9-12, 14-15, 34-36, 43-46, and 48-50 are specific to elected Species II. Claims 1-8, 13, 16-21, 27-33, 37-42, 47, and 51-55 are generic and read on all species. Remaining claims 22-26 read on the non-elected species, and thus claims 22-26 are withdrawn from consideration.

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The Examiner is encouraged to telephone the undersigned attorney for Applicants if such communication is deemed to expedite prosecution of this application.

Respectfully submitted,

Date: February 15, 2007

Electronic Signature: /Lisa Adams/
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